IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

Bail Appl..No. 1063 of 2007(H)

CRIME NO.67/2007 OF CHANGARAMKULAM POLICE STATION

PETITIONERS/ACCUSED:

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1. HUSSAIN, AGED 60 YEARS,
   KONGAKATH VALAPPIL HOUSE,
   NANNAMUKKU, MALAPPURAM DISTRICT.

2. MUHAMMED, S/O.CHEKKUNNI,
   MANALATH HOUSE, NANNAMUKKU,
   MALAPPURAM DISTRICT.

3. SALIM, S/O.MOIDU, KUNNATH VALAYIL HOUSE,
   NANNAMUKKU, MALAPPURAM DISTRICT.

4. GAFOOR, S/O.KUNHIMON,
   MULAKKAL HOUSE, NANNAMUKKU,
   MALAPPURAM DISTRICT.

5. ASHARAF, S/O.UMMER,
   PUTHEN PEEDIYEKKAL HOUSE, NANNAMUKKU,
   MALAPPURAM DISTRICT.

6. NAVAS, S/O.MUHAMMED UNNI,
   KANNANPURATH VALAPPIL HOUSE,
   NANNAMUKKU, MALAPPURAM DISTRICT.

7. FAZALU RAHMAN, S/O.ABOOBACKER,
   VARIAPULLY HOUSE, NANNAMUKKU,
   MALAPPLURAM DISTRICT.

8. FASHIR, S/O.ABOOBACKER,
   VARIYAPULLY HOUSE, NANNAMUKKU,
   MALAPPURAM DISTRICT.

9. SHAMEER, AGED 16 YEARS,
   S/O.HUSSAIN, KONDAKATH VALAPPIL HOUSE,
   NANNAMUKKU, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE:

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
CHANGARAMKULAM POLICE STATION-THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1063/2007

Dated this 5th day of March, 2007

O R D E R

Petitioners who are accused Nos. 1 to 9 in Crime No. 67/2007 of Changaramkulam Police Station for an offence punishable under Section 377 IPC read with Section 34 IPC, seek anticipatory bail.

2. Anticipatory bail cannot be granted in a case of this nature. But at the same time I am inclined to permit the petitioners to surrender before the Investigating Officer for interrogation and potency test and then to have their applications for regular bail ordered by the Magistrate concerned.

3. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 12.3.2007 and 14.3.2007 for the purpose of interrogation and potency test. The petitioners shall thereafter, be produced before the Magistrate having jurisdiction, on the same day. The Magistrate shall consider and dispose of the applications, if any, filed by the

petitioners for regular bail, preferably on the same day on which such applications are filed.

This application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs